

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
March 5, 2014**

Vice Chairman Josh Gunselman called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Absent	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey, Director of Community Development /Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Bob Cook	-Present		

PLEDGE OF ALLEGIANCE

Vice Chairman Gunselman led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the February 5, 2014 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 4-0.

STATEMENT

Vice Chairman Gunselman read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Kevin Mehringer for a variance from Section 16.02.140 (Height Regulations)

Kevin Mehringer was present to request a variance to construct a height of 17.6 feet on a garage he intends to build on his property at 449 S 400 W. Plans are to construct the 44-foot long building with a stone/metal front, including a four-foot overhang. The building would be located approximately 11 feet from the house. Mr. Mehringer intends to use the garage for storage of his camper and other personal items.

There were no remonstrators present. Following some discussion, Bob Cook made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance from Section 16.02.140 (Height Regulations) to construct a garage with a maximum height of 17.6 feet. Secretary Buck seconded it. Motion carried 4-0.

Petition of Brian Seibert for a variance from Section 16.02.140 (Height Regulations)

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Brian Seibert to request a variance to construct a garage with a height of 19 feet on his property located at 633 Keusch Lane. Mr. Seibert was also present.

A site plan was displayed showing the proposed location of the building. Mr. Seibert explained that the intent for the additional height is to aesthetically match the roof of the house.

There were no remonstrators present. Following some discussion, Bob Cook made a motion to close the public hearing, seconded by Randy Mehringer. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance from Section 16.02.140 (Height Regulations) to construct a garage with a maximum height of 19 feet. Bob Cook seconded it. Motion carried 4-0.

Petition of Ackerman Oil, Inc., d/b/a Southern Indiana Propane (as petitioner) and Michael J. and Patricia H. Hochgesang (as owner) for a variance from Section 16.02.110 (Permitted Uses) zoned as I-B to allow for bulk fuel storage

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Mike Ackerman to request a variance to add three bulk fuel storage tanks on his property located at 2025 S. Newton Street. Mr. Ackerman was also present. A variance is required since the City's ordinance does not allow bulk storage in an I-B zoned area. Mr. Ackerman told the board he must also seek approval from the State Fire Marshall before he would be allowed to install the additional fuel tanks.

There were no remonstrators present. Following some discussion, Randy Mehringer made a motion to close the public hearing. Bob Cook seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance to allow three additional bulk fuel storage tanks at 2025 S. Newton Street. Any new additions will need to come before the board. Secretary Buck seconded it. Motion carried 4-0.

Mehringer L.L.C., Dennis L. and Patricia Anne Mehringer (as members) for a variance from Section 16.02.140 (Height Regulations) on a proposed accessory building, a variance from Section 16.02.130 (Setback Requirements) to build on the rear boundary line and within 5 feet of the side yards, and a variance to allow an accessory building (Section 16.07.020(1) Accessory Use or Structure) on a vacant parcel without a primary structure for an accessory storage building

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Dennis 'Bucket' Mehringer to request three variances in regards to erecting an accessory building on his property, to be located in the gravel parking area between 417 E. 5th Street and 407 E. 5th Street. Mr. Mehringer was also present.

Mr. Buehler displayed an aerial photo to show the vicinity of the property and a site plan showing where the proposed building would be erected. A variance was granted for a similar request in 2001; however, the motion was contingent upon construction within five years. The new variance requests include building an accessory building on a lot without a primary residence; having a height of 22 feet and constructing the 65 ft. x 80 ft. building to the rear yard boundary line and within five feet of the side yard boundary lines. Mr. Mehringer plans to use the building for inside storage.

Daniel and Carol Neukam, of 7108 E Country Road 700 S, Velpen, owners of the house west of the property, expressed their concerns regarding the proposed building. Mr. Neukam said the building would depreciate the surrounding residential properties. He also said that according to what he was told there is a sewer line on the property which would inhibit any trucks to enter the area if the building is there.

After some research, City Engineer Hurm confirmed that there is a six inch sanitary sewer line and noted that the line is located approximately two feet from the edge of the existing building, which would already limit access for utility trucks.

Following some discussion, Secretary Buck made a motion to close the public hearing. Bob Cook seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance to allow an accessory building on a lot without a primary residence. Randy Mehringer seconded it. Secretary Buck voted nay. Motion carried 3-1. Secretary Buck stated that in his opinion the building would be located too close to the neighbor's property line.

Bob Cook made a motion to grant a variance to build on the rear property line (zero setback) and within five feet of the side yards. Randy Mehringer seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance for a maximum height of 22 feet on the proposed accessory building. Randy Mehringer seconded it. Motion carried 4-0.

Petition of Progressive Investment Company, LLC for a special exception to allow a medical clinic (DaVita Dialysis Center) to be located in a B-3 Business zone

Andy Hagedorn, of Progressive Investment Company, LLC, was present to request a special exception to allow a medical clinic in a B-3 (Business) zone. The property is located at 3rd Avenue Commons, Suite A, 671 3rd Avenue. DaVita Dialysis Center plans to operate in the 6,800 sq. ft. space; its clientele averaging 26-28 patients a day. There is ample off street parking.

Randy Mehringer made a motion to close the public hearing. Bob Cook seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a special exception to allow a medical clinic (DaVita Dialysis Center) at 3rd Avenue Commons, Suite A, 671 3rd Avenue. It was seconded by Bob Cook. Motion carried 4-0.

Petition of Progressive Investment Company, LLC for a special exception to allow a medical clinic (Audiologist Practice) to be located in a B-3 Business zone

Andy Hagedorn, of Progressive Investment Company, LLC, was present to request a special exception to allow a medical clinic in a B-3 (Business) zone. The property is located at 3rd Avenue Commons, Suite A-1, 671 3rd Avenue. Plans are to operate an Audiologist Practice; its clientele averaging 8 patients a day. There is ample off street parking.

There were no remonstrators present. Following some discussion, Secretary Buck made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a special exception to allow a medical clinic (Audiologist Practice) at 3rd Avenue Commons, Suite A-1, 671 3rd Avenue. It was seconded by Secretary Buck. Motion carried 4-0.

Petition of Eckert's Pool Supply, Inc. and Jasper Gift Basket and Popcorn Company for a variance from Section 16.035.060 (Business and Industrial Zoning Sign Standards) (Free-Standing Individual Business Signs)(5)(a)

Tom and Juanita Eckert were present to request a variance to erect a large popcorn box structure in the parking lot of their business located at 1522 Newton Street. The Eckerts expressed their enthusiasm in trying to be interactive with the community and tourists visiting the area. The intent is to display the structure to serve as a roadside icon and hopefully encourage people to stop and shop at the business.

According to City Attorney Kabrick, the proposed structure would meet the definition of a sign per Chapter 16.07 of the zoning ordinance; hence the need for the variance request.

City Attorney Kabrick read a letter addressed from the Eckert's explaining their business along with their effort and intent to encourage tourists to visit the community. Discussion followed. Vice Chairman Gunselman said his concern was that the large iconic structure would distract vehicles on the 'already busy' stretch of roadway. The structure would measure a total of 448 square feet; 8 feet deep x 8 feet wide and 14 feet in height. Secretary Buck's concern was the maintenance of the structure. Mr. Eckert assured the board that he would continually maintain it.

There were no remonstrators present. Following some discussion, Bob Cook made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance to allow a three dimensional sign at 1522 Newton Street, measuring 14 feet in height x 8 feet deep x 8 feet wide. Secretary Buck seconded it. Vice Chairman Gunselman voted nay. Motion carried 3-1. Vice Chairman Gunselman stated his reason for voting nay was due to public safety.

ADJOURNMENT

With no further discussion, Bob Cook made a motion to adjourn the meeting, seconded by Randy Mehringer. Motion carried 4-0, and the meeting was adjourned at 7:59 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Kathy M. Pfister, Recording Secretary